UNITED STATES DISTRICT COURT MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

COREY M. LILLARD, SR.]					
Plaintiff,]					
]		3	0.8	0193	14
v .]	No.		• •	0 - 0 -	
]	Judge	Car	mpbell		
TREVOR LYNCH]					
Defendant.]					

MEMORANDUM

The plaintiff, proceeding pro se, is an inmate at the Rutherford County Adult Detention Center in Murfreesboro, Tennessee. He brings this action pursuant to 42 U.S.C. § 1983 against Trevor Lynch, a prosecutor in Rutherford County, seeking "to be released immediately and compensation."

Apparently, the plaintiff believes that he is being held in custody beyond the expiration of his sentence. In order for the plaintiff to obtain relief for an allegedly unconstitutional conviction or confinement, he must prove that the conviction or confinement has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such a determination, or called into question by a federal court's issuance of a writ of habeas corpus Heck v. Humphrey, 114 S.Ct. 2364, 2372 (1994).

The plaintiff claims that he has "filed a motion for writ of error in my case, but has been ignored." There is nothing in the

complaint to suggest that any state or federal court has already found the plaintiff to be in custody illegally. As a consequence, the plaintiff's claims are not yet cognizable in a § 1983 action.

Accordingly, in the absence of a cognizable claim, the plaintiff has no arguable basis in law or fact which would entitle him to relief. This action, therefore, is legally frivolous within the meaning of 28 U.S.C. § 1915(e)(2) Neitzke v. Williams, 109 S.Ct. 1827, 1832 (1989).

A district court possesses the authority to dismiss frivolous actions. Brooks v. Seiter, 779 F.2d 1177, 1179(6th Cir. 1985). Thus, this action shall be dismissed as frivolous.

An appropriate order will be entered.

Todd Campbell

United States District Judge